

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS
AND LANDSCAPE ARCHITECTS MEETING**

MINUTES

The Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on December 12, 2006, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Architects

John S. Clark, Jr.
J. Everette Fauber, III
Kenneth A. Schwartz

Professional Engineers

Nico De León
Stanley C. Harris, Sr.
Wiley V. Johnson, III

Land Surveyors

John R. McAden
Nancy E. McIntyre
W. R. Stephenson, Jr.

Interior Designers

Lorri B. Finn (arrived at 9:14 a.m.)
Cameron C. Stiles

Landscape Architects

Vaughn B. Rinner

Board member William H. Spell was not present for the meeting.

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
David Ashe, Chief Deputy
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Earlyne Perkins, Legal Assistant
Michelle Gowen, Administrative Assistant
Chris Olson, Administrative Assistant

No representative from the Attorney General's Office was present at the meeting.

Ms. Rinner, Chair, called the meeting to order at 9:00 a.m.

Call to Order

Ms. Stiles moved to approve the agenda. Mr. McAden seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

Approval of Agenda

Mr. Courtney introduced Chris Olson, Administrative Assistant, as he will be filling in for Michelle Gowen in early 2007 while she is on maternity leave.

**Introduction of
Chris Olson**

Ms. Stiles moved to approve the minutes as amended for the following meetings:

- September 7, 2006, APELSCIDLA Board Meeting;
- September 7, 2006, Land Surveyors Section Meeting (Examination Committee);
- October 24, 2006, Informal Fact-Finding Conference (LA);
- October 25, 2006, Architects Section Meeting;
- October 31, 2006, Professional Engineers Section Meeting;
- November 8, 2006, Land Surveyors Section Meeting; and
- November 9, 2006, Interior Designers Section Meeting;

Mr. Harris seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

Public Comment Period – None

As Mr. Huggler was not able to be present for the Board meeting, he submitted a letter in his absence for the Board to review.

Regarding **File Number 2007-00205, Timothy Huggler**, the Board Members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, the Summary of the Informal Fact-Finding Conference and Mr. Huggler's letter. Mr. Schwartz moved to accept the recommendation of the presiding Board member and deny Mr. Huggler's request to waive the FE exam and deny his application for a professional engineer's license by comity. Further, Mr. Huggler is approved to sit for the FE exam in accordance with the Board's regulations based on the application he currently has before the Board, and if he passes the FE exam, he will be issued a PE license pursuant to 18 VAC 10-20-210.4. Mr. Johnson seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles. As the presiding Board member, Mr. Harris was not present during the discussion or vote.

Mr. Courtney noted that staff will inform Mr. Huggler that he is not able to use the title of PE in Virginia without holding a Virginia professional engineer's license

Regarding **File Number 2007-00352, Mohammad Reza Jafari**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Jafari. Mr. Harris moved to accept the Consent Order which cites a violation of 18

Approval of Minutes

Public Comment Period

File Number 2007-00205 Timothy Huggler

File Number 2007-00352 – Mohammad Reza Jafari

VAC 10-20-20.E of the Board's 2002 regulations. For this violation, Mr. Jafari agrees to not re-take the engineering examination for a period of four years from the date the Consent Order is entered and pay \$150.00 in Board costs. Mr. Johnson seconded the motion which was passed by a majority vote with the following members voting yes: Clark, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles. Mr. Fauber abstained from the vote. As the reviewing Board member, Mr. De León was not present during the discussion or vote.

Regarding **File Number 2006-03663, C. Phil Wagoner**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Wagoner. Ms. Stiles moved to accept the Consent Order which cites a violation of 18 VAC 10-20-750 of Board's 2002 regulations. For this violation, Mr. Wagoner agrees to a fine of \$250.00 as well as \$150.00 in Board costs. Ms. McIntyre seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, and Stiles. As the reviewing Board member, Mr. Stephenson was not present during the discussion or vote.

File Number 2006-03663, C. Phil Wagoner

Regarding **File Number 2006-04501, Greenway Engineering, Inc.**, the Board members reviewed the Consent Order as seen and agreed to by Greenway Engineering, Inc. Ms. McIntyre moved to accept the Consent Order which cites a violation of 18 VAC 10-20-710.A of the Board's 2002 regulations. For this violation Greenway Engineering, Inc., agrees to a fine of \$150.00 as well as \$150.00 in Board costs. Mr. McAden seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, and Stiles. As the reviewing Board member, Mr. Stephenson was not present during the discussion or vote.

File Number 2006-04501, Greenway Engineering, Inc.

Ms. Rinner turned the position of Chair over to Mr. Harris and recused herself from the meeting.

Transfer of Chair

Mr. Gerson, attorney for Metes & Bounds, LLC, was present to inform the Board that the firm agrees with the recommendation contained in the Summary and has already changed their name as outlined in the Informal Fact-Finding documents.

File Number 2007-00347, Metes & Bounds, LLC

Regarding **File Number 2007-00347, Metes & Bounds, LLC**, the Board Members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, the Summary of the Informal Fact-Finding Conference and the presentation by Mr. Gerson. Ms. Stiles moved to accept the recommendation of the presiding Board members and that Metes & Bounds, LLC, application for a business entity registration be approved if Metes & Bounds, LLC, formally changes

their business name to "Metes & Bounds Landscape Design, LLC" and agrees to carry this name if the business converts to *another entity*. Action to change the name must be taken within thirty (30) days of the Board rendering its decision, and Mr Skipper must provide evidence satisfactory to the Board of such name change and agreement regarding the name for any entity which "Metes & Bounds Landscape Design, LLC" may be converted into in the future. If the terms of this recommendation are not complied with in the stated timeframe, then the business entity application of "Metes & Bounds, LLC" will be denied. Ms. McIntyre seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Harris, Johnson, McIntyre, Schwartz, Stephenson, and Stiles. As the presiding Board members, Mr. McAden and Ms. Rinner were not present during the discussion or vote.

Ms. Rinner returned to the meeting and resumed the position of Chair

Transfer of Chair

Ms. Finn arrived at 9:14 a.m.

Arrival of Lorri B. Finn

Regarding File Number 2006-04260, Philip Lee Keyser, the Board members reviewed the Consent Order as seen and agreed to by Mr. Keyser. Mr. McAden moved to accept the Consent Order which cites a violation of 18 VAC 10-20-370.D.2.n of the Board's 2002 regulations. For this violation, Mr. Keyser agrees a fine of \$750.00 as well as \$350.00 in Board costs. In addition, Mr. Keyser agrees to send a letter (with a copy to the Board) identifying the error in the title of the plat and identifying how the plat is to be construed to the complainant within 15 days of the effective date of the Consent Order. Mr. Keyser also agrees to attend a one day seminar on boundary law or Virginia law and regulations, acceptable to the Board, and provide proof acceptable to the Board within 6 months of the effective date of the Consent Order. Mr. Stephenson seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, Rinner, Schwartz, Stephenson, and Stiles. As the reviewing Board member Ms. McIntyre was not present during the discussion or vote.

2006-04260, Philip Lee Keyser

After discussion, Mr. Clark moved that the Continuing Professional Education (CPE) Committee consist of one member of each Section of the APELSCIDLA Board with each meeting having a public comment period at the beginning and end of the meeting. Mr. Johnson seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles

Discussion of CPE Committee

The members of the CPE Committee will be as follows:

Jack Clark, Architects Section;
Nico De León, Professional Engineers Section;
Lorri Finn, Interior Designers Section;
Vaughn Rinner, Chair, Landscape Architect Section; and
Nancy McIntyre, Land Surveyors Section.

After discussion, Mr. Stephenson moved to accept the recommendation made by staff and directed staff to correspond to Mr. Dunlap and the relevant personnel in Fairfax County regarding the Board's regulations pertaining to signing and sealing work performed for zoning land use applications. Mr. McAden seconded to motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

**Discussion of
Professional Seal &
Signature Pursuant
to 18 VAC 10-20-760
for Zoning Land Use
Applications**

The Board members briefly reviewed the material provided by VDOT. After review the Board members agreed by consensus that the Sections would individually review and consider this matter at their next series of meetings and bring the issue back for full Board consideration at the March 15, 2007, meeting.

**Discussion of Traffic
Impact Studies**

After discussion, Mr. Schwartz moved to accept the recommendation of the Professional Engineers Section and allow the senior students in the Construction Engineering and Management BS degree program at Virginia Tech's School of Engineering to sit for the FE examination in April of 2009 provided the following conditions are met:

**Discussion of BS in
Construction
Engineering &
Management at
Virginia Tech**

1. the Virginia Tech School of Engineering agrees to obtain ABET accreditation for the Construction Engineering and Management BS degree program as soon as possible;
2. those students who are allowed to sit for the examination prior to the school receiving ABET accreditation understand that they will receive their scores but will not be granted Engineer-In-Training (EIT) designation unless the school receives ABET accreditation at the earliest possible time; and
3. those students who are allowed to sit for the examination prior to the program receiving ABET accreditation, and who pass the examination, understand that if the program does not receive ABET accreditation they will be considered as having graduated from a non-ABET accredited institution in being considered for the EIT and PE designations. Therefore, they would have to reapply for the EIT designation after they have obtained the required amount of experience even though they would have already sat for and passed the FE examination.

Mr. Fauber seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

After discussion, Ms. Rinner moved that staff prepare a letter in response to VDOT stating that Landscape Architects may be qualified to design closed storm water management systems with the proper education, training and experience in accordance with subsection A of 18 VAC 10-20-730. Mr. Fauber seconded the motion which passed by a majority vote with the following members voting yes: Fauber, Finn, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles. The following members voted no: De León, Harris, and Johnson. Mr. Clark abstained from the vote.

Mr. Courtney asked the Board members if they would like to nominate Mr. Sirine for the 2007 NCEES Distinguished Service Award. Mr. McAden moved that the nomination be submitted to NCEES for consideration. Mr. Harris seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

The Board members took a break from 10:34 a.m. to 10:44 a.m.

The Board members were provided with a handout outlining the new TOEFL iBT examination. After review and discussion, Ms. McIntyre moved that the minimum acceptable scores for the TOEFL iBT be a minimum of 20 points for each of the four sections of the TOEFL iBT (Reading, Listening, Speaking, and Writing) for a combined minimum total of 80 points. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

Ms. Stiles disclosed that she is a member of the Council for Interior Design Accreditation Commission as well as former Site Visitor and member of the Evaluation Commission and has visited and acted on accreditation decisions for other facilities of the Art Institute; however, she has not visited this particular school and believes that she can be fair and impartial in this matter.

The Board members reviewed the information provided by The Art Institute of Washington. After discussion, Mr. Schwartz moved that the Board approve The Art Institute of Washington's application to be a "professional program approved by the Board" as the program is substantially equivalent to the CIDA standards. Mr. Schwartz added that the approval is only for the March 2006 graduates and will have to be reviewed for each graduating class, against the then current standards, until the program has become

Discussion of Design of Closed Storm Water Management Systems

Consideration of Nomination of Wilmer F. Sirine, II, for NCEES Distinguished Service Award

Break

Consideration of TOEFL iBT

Consideration of Request from the Art Institute of Washington to be a Professional Program Approved by the Board

accredited by CIDA. Mr. Harris seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

Mr. Courtney asked the Board if they would like to nominate Doyle B. Allen for the 2006-2007 NCEES Northeast Zone Award as Mr. Allen had assured the Department that he would turn in his paperwork in a timely manner. Mr. Fauber moved to nominate Mr. Allen for the NCEES Northeast Zone Award. Ms. McIntyre seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

**Consideration of
Nomination of Doyle
B. Allen for 2006-
2007 NCEES
Northeast Zone
Award**

The Board members were provided with the Department's Biennial Report for 2004-2006.

Biennial Report

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting.

**Comprehensive
Report of CID
Activity**

The Board members were provided with financial statements from October 2006 for informational purposes.

**Review of Board
Financial Statements**

Mr. Courtney reminded the Board members to complete and return their Financial Disclosure Statements to staff by no later than the end of the year.

Other Business

Mr. Courtney informed the Board members that the Department may be moving to a new location in the summer of 2007 and that more information will be provided at a later date.

Mr. Courtney and Mr. Schwartz informed the Board of a court decision in Colorado regarding the use of the title "architect" by an unlicensed person and noted that this matter will be on the upcoming Section agendas.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 11:34 p.m.

Adjourn


Vaughn B. Rinner, Chair


Jay W. DeBoer, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: John S. Clark, Jr.
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 12, 2006
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature

Date

John S. Clark

12.12.06

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: J. Everette "Ebo" Fauber, III
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 12, 2006
5. Nature of Personal Interest Affected by Transaction: _____

NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

J. E. Fauber, III
Signature

12-12-06
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

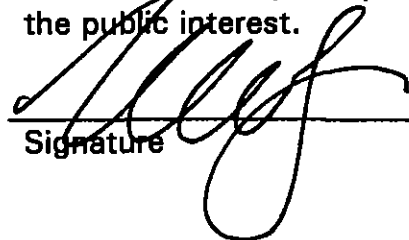
1. Name: Kenneth A. Schwartz
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 12, 2006
5. Nature of Personal Interest Affected by Transaction: _____

NONE.

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

12/12/06.
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Nico De León
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 12, 2006
5. Nature of Personal Interest Affected by Transaction: _____

None

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Engineering

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature

[Signature]

Date

12/12/06

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Stanley C. Harris
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 12, 2006
5. Nature of Personal Interest Affected by Transaction: _____

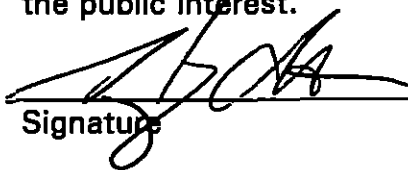
NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

ASMR, VSPE

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

12/12/06
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Wiley V. Johnson, III
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 12, 2006
5. Nature of Personal Interest Affected by Transaction: Engineering

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Hurt & Proffitt, Inc.

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature

Date

12.12.06

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: John R. McAden
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 12, 2006
5. Nature of Personal Interest Affected by Transaction: Land Surveying

-
6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Surveyors

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

John R. McAden
Signature

12-12-06
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Nancy E. McIntyre
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 12, 2006
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

LAND SURVEYORS & PROFESSIONAL ENGINEERS

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Nancy E. McIntyre
Signature

12/12/06
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: W. R. Stephenson, Jr.
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 12, 2006
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

W. R. Stephenson
Signature

12/12/06
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Lorri Finn
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 12, 2006
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

12-12-06

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Cameron C. Stiles
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 12, 2006
5. Nature of Personal Interest Affected by Transaction: I AM A MEMBER OF THE COUNCIL FOR INTERIOR DESIGN ACCREDITATION COMMISSION AS WELL AS A PASTOR SITE VISITOR + MEMBER OF THE EVALUATION COMMISSION + HAVE VISITED AND ACTED ON ACCREDITATION
6. I declare that: DECISIONS FOR OTHER FACILITIES OF THE ART INST.

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Cameron C. Stiles
Signature

12/12/06
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

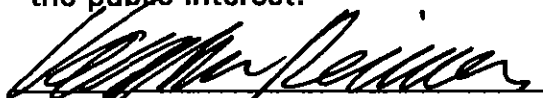
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Vaughn B. Rinner
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 12, 2006
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature


Date